

SLG

Hon. Martin Glenn  
US Bankruptcy Judge  
1 Bowling Green  
New York, NY, 10007  
*Via ECF*

Feb 17, 2021

Dear Judge Glenn:

Pursuant to Local Rule 7056-1, Sarah Bannister, Brandon Hood, and LaBarron Tate (“Petitioning Creditors”) through undersigned counsel, T. Austin Smith (“Smith” or “TAS”) request leave to cross-move for summary judgment against the Putative Debtor; or else convert the Debtor’s motion into one on summary judgment. TAS asks three basic three conditions:

*First*, Kirkland will confirm in writing that its request that Sarah Bannister, Brandon Hood and/or LaBarron Tate pay its hourly rate was a scrivener’s error; Smith and Smith alone will bear any and all liability resulting from an adverse finding of this Court absent this Court’s *sua sponte* determination of liability on any single debtor.

*Second*, Navient will stipulate that TAS can use any of the Navient financials he had audited from October to the end of December 2020.<sup>1</sup> *Master-Halco, Inc. v. Dowling & Natarelli, LLC*, 739 F. Supp. 2d 125, 131 (D. Conn. 2010) (discussing cases where courts have allowed settlement discussion in one case to be used in an involuntary bankruptcy to demonstrate liability).

*Third*, pursuant to Fed. R. Bankr. Pro 11 U.S.C. 1109, Michael Shahbazi wishes to be heard in order to object to the *pro hac vice* admission of McGuireWoods’ attorneys. James A. Austin, a Navient employee, had confessed to perjury prior to swearing that an unsigned note was owed by Shahbazi. And when plaintiff’s counsel demanded live testimony, he suffered a stroke and left the company.

Sincerely,

/s Austin Smith

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<sup>1</sup> Kirkland has an entire department devoted to this form of advocacy (“Our Advertising, Marketing & Promotions attorneys review online advertising campaigns and routinely advise clients on their use of the social media influencers that have become ubiquitous in modern advertising.